



TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT

Docket Number
991517

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **MIYAMOTO, et al.**

Group Art Unit: **3745**

Serial No.: **09/473,137**

RECEIVED

Examiner: **C. Verdier**

Filed: **December 28, 1999u**

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P.T.O. Confirmation No.: **9634**

TECHNOLOGY CENTER R3700

For. **Turbo-Molecular Pump**

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 30, 2003

Sir:

The undersigned, **Michael N. Lau**, is attorney of record in the above-identified patent application. The terminal part of the statutory term of all claims granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,332,752 is hereby disclaimed, except as provided below. It is agreed that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

This disclaimer is submitted on behalf of Ebara Corporation, a Japanese company, on whose behalf the undersigned is empowered to act, which owns the entire and exclusive right, title and interest to the invention entitled **Turbo-Molecular Pump**, for which the above-identified patent application was filed on **December 28, 1999**, Serial No. **09/473,137**, and all Letters Patent of the United States to be obtained therefor on said application or any continuation, divisional, substitute, reissue or reexamination thereof for the full term or terms for which the same may be granted, by virtue of an assignment from the inventor(s) of the above-identified patent application. The assignment was recorded in the Patent and Trademark Office at Reel **(010732)**, Frame **(0557)**, or a copy thereof is attached.

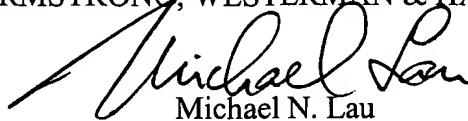
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

A check with the requisite fee accompanying a Terminal Disclaimer were both submitted on April 28, 2003. The Terminal Disclaimer filed on April 28, 2003 was not accepted but no refund was ever given. The requisite fee submitted on April 28, 2003 should be applied toward the filing of the instant Terminal Disclaimer and no separate fee should be required. In case of oversights and further fees are required, the Commissioner is authorized to charge our Deposit Account No. 01-2340.

U.S. Patent Application No. 09//473,137
Attorney Docket No. 991517

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



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PATENT TRADEMARK OFFICE

Date: July 30, 2003